

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

Deutsche Bank National Trust Company as Trustee
for IndyMac INDX Mortgage Loan Trust 2007-
AR5, Mortgage Pass-Through Certificates Series
2007-AR5,

GENERAL JURISDICTION DIVISION

Case No. 2018-018704-CA-01

Plaintiff,

vs.

Ariana Birencwajg; et al.,

Defendants.

**MOTION FOR ORDER DISMISSING CASE WITHOUT PREJUDICE, CANCELLING
NOTICE OF LIS PENDENS, DIRECTING CLERK TO RETURN ORIGINAL LOAN
DOCUMENTS AND TO SUBSTITUTE PHOTOSTATIC COPIES IN THE COURT FILE**

COMES NOW, Deutsche Bank National Trust Company as Trustee for IndyMac INDX Mortgage Loan Trust 2007-AR5, Mortgage Pass-Through Certificates Series 2007-AR5, (“Plaintiff”), by and through the undersigned counsel and pursuant to Fla. Civ. P.1.420(a)(2), and files this Motion for Order Dismissing Case Without Prejudice, Cancelling Notice of Lis Pendens, Directing the Clerk of Court to Return Original Loan Documents and to Substitute Photostatic Copies in the Court File, (the “Motion”), and in support thereof states as follows:

1. Pursuant to Fla. R. Civ. P. 1.420(a)(2), Plaintiff respectfully requests that this Honorable Court enter an Order dismissing the above-styled case without prejudice as the loan was paid in full.

2. Plaintiff also requests that the Notice of Lis Pendens previously filed by Plaintiff and recorded on June 13, 2018 in OR Book 31013 at Page 229 of the Public records of Miami-Dade County, Florida regarding the below-described property:

TAX ID: 02-3222-022-1000

LOT 21, BLOCK 27, LAKE VIEW SUBDIVISION, ACCORDING TO MAP
OR PLAT THEREOF AS RECORDED IN PLAT BOOK 14, PAGE 42 OF THE
PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Case No. 2018-018704-CA-01



File # 17-F03680



be canceled, vacated, discharged and be of no further force or effect.

3. Plaintiff also requests the entry of an Order Directing the Clerk of Court to: (i) return the original note and mortgage to Plaintiff, c/o the undersigned counsel at the following address: Brock & Scott, PLLC, 4919 Memorial Hwy, Suite 135, Tampa, FL 33634; and, (ii) to substitute photostatic copies of the same in the Court file.

4. Plaintiff requests, pursuant to Fla. R. Civ. P. 1.420(f), that the Clerk of Court be directed to record the Order granting this Motion in the Public Records.

WHEREFORE, Plaintiff, respectfully requests that this Honorable Court enter an Order: (a) granting the Motion; (b) dismissing the above-styled case without prejudice; (c) cancelling the Notice of Lis Pendens; (d) directing the Clerk of Court to return the original note and mortgage to Plaintiff c/o the undersigned law firm and substituting photostatic copies in the Court file; (e) directing the Clerk of Court to record the Order granting this Motion in Public Records pursuant to Fla. R Civ. P. 1.420(f); and, (f) granting any and all such other and further relief as this Court deems just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy hereof was served electronically or via U.S. Mail on this 3rd day of December, 2024 to all persons on the following service list.

Respectfully submitted,

BROCK & SCOTT, PLLC
Attorney for Plaintiff
3825 Forrestgate Drive
Winston Salem, NC 27103
Phone: (954) 618-6955
Fax: (954) 618-6954
FLCourtDocs@brockandscott.com

By /s/ Matthew Marks
Matthew Marks, Esq.
Florida Bar No. 524336

SERVICE LIST

The following persons were served by e-mail:

Mario Mirabal
c/o Andres H. Lopez, Esq.
7351 Wiles Rd., Ste 101
Coral Springs, FL 33067
eservice@alopezlawfirm.com

Kenneth M. Damas, Esq.
1000 Brickell Avenue, Suite 720
Miami, FL 33131
Ken@damaslaw.com; ken@acdfirm.com; service@acdfirm.com

The following persons were served by U.S. mail:

Mortgage Electronic Registration Systems, Inc., as nominee for Aegis Funding d/b/a Aegis Home Equity
c/o CT Corporation System, Registered Agent
1200 South Pine Island Road
Plantation, FL 33324

Citibank, N.A.
c/o President, Vice President Or Any Other Officer Authorized To Accept Service
701 East 60th St. N.
Sioux Falls, SD 57104

State of Florida, Department of Revenue
c/o Executive Director, a registered agent or any other person authorized to accept service of process
2450 Shumard Oak Blvd
Tallahassee, FL 32399

Ariana Birencwajg
563 West 49th Street
Miami Beach, FL 33140